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Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven, we sing of Your steadfast love and proclaim Your faithfulness to all generations. Make us one Nation, truly wise, with righteousness exalting us in due season.

Today, inspire our lawmakers to walk in the light of Your countenance. Abide with them so that Your wisdom will influence each decision they make. Lord, keep them from evil so that they will not be brought to grief, enabling them to avoid the pitfalls that lead to ruin. Empower them to glorify You in all they say and do as You fill their hearts with thankful praise. May they never fail to acknowledge their total dependence upon You.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 175, H.R. 2810.

The PRESIDENT pro tempore. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 175, H.R. 2810, a bill to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDENT pro tempore. The majority leader.

WELCOMING BACK SENATOR MCCAIN

Mr. MCCONNELL. Mr. President, I wish to start this morning with a few words about our friend and colleague from Arizona, Senator MCCAIN, whom we will have an opportunity to welcome back today.

As I noted last week, we all know Senator MCCAIN is a fighter. That is evidenced by his remarkable life of public service, just as it is again evidenced by his quick return to the Senate this afternoon. I know he is eager to get back to work, and we are all very pleased to have him back with us today.

HEALTHCARE

Mr. President, on the vote we will have today in a couple of hours, Senators will have an important decision to make. Seven years after ObamaCare was imposed on our country, we will vote on the critical first step to finally move beyond its failures.

Many of us have made commitments to our constituents to provide relief from this failed leftwing experiment. Now we have a real opportunity to keep those commitments by voting to begin debate and ultimately to send smarter healthcare solutions to the President's desk for his signature. Just yesterday, the President reiterated his intention to sign them.

Yesterday, the administration released a statement urging all Senators to vote in favor of the motion to proceed so that we can "move forward on repealing ObamaCare and replacing it with true reforms that expand choice and lower costs." I wish to express my

appreciation to the administration for its continued close work with us on this issue at every step of the way. From the President and Vice President to Secretary Price and Administrator Verma, as well as so many others, the engagement we have seen has been important to our efforts, and it has sent an unmistakable signal to the country that this administration not only understands the pain middle-class families have felt under ObamaCare but is actually committed to doing something about it.

By now, we are all keenly aware of the pain ObamaCare has caused for literally millions of families. Premiums have skyrocketed, doubling on average in the vast majority of States on the Federal exchange. Insurance options have declined under ObamaCare, leaving many with as few as one or even zero insurers to choose from. Many Americans now face the real possibility of having no options at all and could find themselves trapped, forced by law to purchase ObamaCare insurance but left by ObamaCare without any means to do so. All the while, markets continue to collapse under ObamaCare in States across the country.

It is a troubling indication of what is to come unless we act. Fortunately, the American people have granted us the opportunity to do so. We finally have an administration that cares about those suffering under ObamaCare's failures and a President who will sign a law to actually do something about it. We have a House that recently passed its own legislation to help address these problems. We have a Senate with a great chance before us to do our part now.

If other Senators agree and join me in voting yes on the motion to proceed, we can move one step closer to sending legislation to the President for his signature. I hope everyone will seize the moment. I certainly will. Only then can we open up a robust debate process.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Only then will Senators have the opportunity to offer additional ideas on healthcare.

Inaction will do nothing to solve ObamaCare's problems or bring relief to those who need it. In fact, it will make things worse for our constituents all across the country.

I wish to reiterate what the President said yesterday:

Any senator who votes against starting debate is telling America that you are [just] fine with the ObamaCare nightmare. . . .

That's a position that even Democrats have found hard to defend. Remember President Clinton called ObamaCare "the craziest thing in the world" and a Democratic Governor said it's "no longer affordable."

You won't hear me say this often, but they are right.

I hope colleagues will consider ObamaCare's history of failures—the unaffordable costs, the scarce choices, the burden on middle-class families—as they cast their vote this afternoon. I urge them to remember the families who are hurting under this collapsing law.

Numerous Kentuckians, like so many others across the Nation, have conveyed their heartbreaking stories with my office through phone calls, letters, meetings, and dozen of healthcare forums all across Kentucky. These families are suffering under ObamaCare. They need relief. I will be thinking about them as I vote to proceed to the bill today. I know many other colleagues will do the same.

Our constituents are hurting under ObamaCare. They are counting on us to do the right thing right now. That means voting to allow the Senate to finally move beyond ObamaCare's failures. That is what I intend to do. That is what I urge every colleague to do.

We can do better than ObamaCare. We have a responsibility to the American people to do that. Today's vote to begin debate is the first step, and we should take it.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following my remarks, the Democratic leader be recognized to use his leader time for up to 20 minutes; and that following his remarks, the Senator from Nebraska, Mrs. FISCHER, be recognized to suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

HEALTHCARE

Mr. SCHUMER. Mr. President, in a few short hours, we will vote on the

motion to proceed to the House Republican healthcare bill. I will have more to say on the matter prior to the vote.

At the moment, no one knows the plan that is being cooked up in the Republican leader's office, but it seems to be his intention to do whatever it takes to pass anything, no matter how small, to get the House and Senate Republicans into a conference on healthcare.

Surprisingly, I have heard that my friend, the junior Senator from Kentucky, will vote yes on the motion to proceed. He announced it himself. It is true he will likely get a vote on the motion to repeal without replace, but surely he knows that will fail. Why then would the junior Senator from Kentucky—a man who has preached the repeal of the Affordable Care Act root and branch, a man who proselytized that Republicans should stop at nothing short of full repeal—why would the junior Senator from Kentucky vote on the motion to proceed knowing he will not get what he wants? It is because, I believe, he and some of the others in this body know that if the Senate manages to pass something to get to conference in the House, the likely compromise in the conference is either a full repeal of the Affordable Care Act or something close to it. It will certainly mean drastic cuts in Medicaid, huge tax cuts for the rich, no healthcare for those with preexisting conditions, and millions and millions losing healthcare, particularly in our poorer and more brutal States. That is the only thing our Republicans have been able to agree on.

The hard-right Freedom Caucus in the House would never accept a Republican bill that only repeals a few regulations in the ACA but leaves much of it in place. No, they want full repeal, and, at minimum, deep cuts to Medicaid, huge tax breaks for the wealthy, and millions in every State in this Nation losing their healthcare.

To my Republican friends who have repeatedly said that full repeal without replace would be a disaster and to my Republican friends who have opposed the deep and drastic cuts to Medicaid, I say: Don't be fooled by this ruse. A vote in favor of the motion to proceed will mean deep cuts to Medicaid, maybe even deeper than in the House bill. It will mean people with preexisting conditions will be left high and dry. It will mean huge tax breaks for the wealthiest of Americans. It will mean millions will lose their coverage.

So with all the complaining, why are we here at this late moment? Because even the House bill was too drastic for many of the Members here, and it is now being ignored on this motion to proceed, and because we all know the ruse that is going on. The ruse is this: Send it back to the House; then, we will see what they send us. We know what they will send us. We may not know every detail. It will either be full repeal without replace or something far too close to that, and all of the

work and all of the anguish that so many of my colleagues on the other side of the aisle have shown in the last several weeks will be wasted because they know darn well what is going to happen when there is a conference.

There are no Democratic votes in the House. The Freedom Caucus calls the shots. They will either ask for full repeal or something very close to it. Make no mistake about it. A vote in favor of the motion to proceed this afternoon will be a permission slip to slash Medicaid, hurt millions, and give huge tax cuts for the wealthy—something the vast majority of Americans in every State, a large percentage of Republicans and Trump voters, abhor.

One last plea to my colleagues: Do not fall for the ruse that the majority leader is putting together. We know what is going on. We all know. Our constituents will not be fooled—oh, no. We on this side are not fooled—oh, no. I hope my colleagues who, out of compassion and care for the people in their States, have made such a fuss up to now will not be fooled either.

COMMENTS OF THE PRESIDENT ON ATTORNEY GENERAL SESSIONS

Mr. President, in recent days, President Trump has gone out of his way to undermine his own Attorney General, his first supporter—what has been reported to be his best friend in the Senate. He has tweeted scathing criticism of Attorney General Sessions and chastised him publicly for recusing himself from the Russia investigation and several other perceived failures, in the eyes of the President.

We should all take a moment to think of how shocking these comments are on a human basis. This is the first person who stuck his neck out for Donald Trump and who was with him through thick and thin. Now, even if the President has disagreements with him—which I think are ill-founded and self-centered and wrong—you don't ridicule him in public—someone who is your close friend. That speaks to character.

But I would like to speak to the major issue before us, which is related. It is clear that President Trump is trying to bully his own Attorney General out of office. How can anyone draw a different conclusion? If President Trump had serious criticisms of his Attorney General, why not talk to him in person? Why air his grievances so publicly? He wants him out. Here is the danger. Many Americans must be wondering if the President is trying to pry open the Office of Attorney General to appoint someone during the August recess who will fire Special Counsel Mueller and shut down the Russia investigation.

First, let me state for the record now, before this scheme gains wings, that Democrats will never go along with the recess appointment if that situation arises. We have some tools in our toolbox to stymie such action. We are ready to use every single one of them at any time, day or night. It is so vital to the future of the Republic.

Second, I cannot imagine that my friends on the Republican side, particularly in the Republican leadership—my friend the majority leader, who I have great respect for, and Speaker RYAN—would be complicit in creating a constitutional crisis. They must work with us and not open the door to a constitutional crisis during the August recess.

SANCTIONS BILL

Mr. President, on one last item, I know there is a lot going on today, but I just want to mention one item from the House of Representatives. Later, the House is going to take up and, hopefully, pass with near unanimity a sanctions bill that includes strong sanctions against Russia, Iran, and North Korea. It is critical that the Senate act promptly on this legislation.

I will work with the majority leader, as I have in recent weeks, to ensure its swift passage so we can get it to the President's desk before we leave for recess.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

RECESS

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Senate recess until 2:15 p.m. today for the weekly conference meetings.

There being no objection, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Democratic leader be recognized for 5 minutes for debate only and that I then be recognized for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Democratic leader.

HEALTHCARE

Mr. SCHUMER. Mr. President, in a short time, we will vote on the motion to proceed to debate the House Republican healthcare bill. Several months

into this new process, with Republicans in the majority in both Chambers, the American people have not been treated to a high-minded debate or to much debate at all.

The very first action of this Congress was for the majority to pass reconciliation instructions on healthcare—a process which has locked out Democrats from the very beginning. The very first thing this Republican Congress said to the American people is that healthcare is going to be a partisan project, undertaken by Republicans and Republicans alone. Right out of the gate, Democrats were locked out. The majority leader elected to forge a bill in secret and bypass the committee process entirely—no public hearings, no open debate, no opportunity for the minority to amend the bill or even to read it before it emerged from the leader's office. Their plan all along was to keep their bill hidden for as long as possible, evade scrutiny, hide the truth from the American people, and then jam the bill through in the dead of night on a party line.

Now, here we are, after so much cloak-and-dagger legislating, about to vote on proceeding to a debate on one of the most important issues of our time—one-sixth of the economy and tens of millions' health and even lives affected without knowing exactly what we will be debating on. Perhaps nothing could sum up the process that has gotten us here quite as well as this. The best the majority leader has been able to cook up is a vague plan to do whatever it takes to pass something—anything—to get the bill to a House and Senate conference on healthcare.

My colleagues, plain and simple, it is a ruse. The likeliest result of a conference between the House and Senate is the full repeal of the Affordable Care Act or something very close to it. It will, certainly, mean drastic cuts in Medicaid, huge tax cuts for the wealthy, no help for those with pre-existing conditions, and tens of millions losing healthcare, particularly in poorer and more rural States.

The hard-right Freedom Caucus in the House would never accept a Republican bill that only repeals a few regulations in the ACA but leaves much in place.

I would say to my colleagues, particularly those on the other side of the aisle who have heartily fought hard for not cutting Medicaid drastically, for keeping preexisting conditions, for not giving tax cuts to the rich while you are cutting healthcare for the poor, do not go along with this motion to proceed, because you know and I know what it will lead to. All of the things that you have been trying to avoid will emerge from that conference, and you will hurt the people of your States dramatically.

We all know what is happening here. The leader could not get the votes on a full repeal because it is so damaging to America. He could not get the votes even on his own bill. Instead, the plan

is to come up with a proposal that is simply a means to repeal, a means to dramatic cuts, a means to getting us in conference, and we all know what the result of that conference will be.

I would plead one last time with my friends on the other side of the aisle—and I know you have sincerely tried to modify and change things—to turn back. We can go through regular order. We want to work with you. We know that the ACA is not perfect, but we also know that what you have proposed is much worse. We can work together to improve healthcare in this country. Turn back now before it is too late and millions and millions and millions of Americans are hurt so badly in ways from which they will never, ever recover.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, 7 years ago, Democrats imposed ObamaCare on our country. They said that costs would go down. Costs skyrocketed. They said that choice would go up. Choice plummeted. Now ObamaCare's years-long lurch toward total collapse is nearing a seemingly inevitable conclusion, and it will hurt even more Americans on the way down.

This, my friends, is the ObamaCare status quo. This is the status quo. We have had to accept it for a long time. We do not have to accept it any longer.

The American people elected a House with a vision of a better way on healthcare. Then they elected a Senate. Then they elected a President. Now, having been given the responsibility to govern, we have a duty to act. The President is ready with his pen. The House has passed legislation. Today, it is the Senate's turn. That starts with a vote that we will take momentarily. The critical first step in that process is the motion to proceed. It is the vote that determines whether this debate can proceed at all, whether we will even take it up after four straight elections in which this was a huge commitment to the American people. It is the vote that determines whether the Senators of both parties can offer their amendments and ideas on healthcare.

I told the people of my State, over this period, that I would vote to move beyond ObamaCare, and that is what I am going to do today by voting yes. I ask all of my colleagues to join me in doing so. We have already shown that it is possible to put legislation on the President's desk that moves us beyond ObamaCare and its years of failure. We did that 2 years ago. President Obama vetoed what we passed before. President Trump will sign what Congress passes this time.

I thank the President and the administration for all they have done on this issue already. They have worked with us every step of the way, and they, like us, know the consequences of failing to act.

Look, we cannot let this moment slip by. We cannot let it slip by. We have